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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/411,756	10/04/1999	RAYMOND J. KRASINSKI	PHA-23.789	8769

7590 12/18/2002  
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EXAMINER

QUELER, ADAM M

ART UNIT PAPER NUMBER

2176

DATE MAILED: 12/18/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/411,756

Applicant(s)

KRASINSKI, RAYMOND J.

Examiner

Adam M Queler

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 21 June 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 October 1999 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2,3 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

1. This action is responsive to communications: Application filed 10/4/1999; I.D.S.'s filed 10/4/1999, 11/29/1999, and Letters filed 4/5/2001, and 6/21/2001.
2. Claims 1-27 are pending in the case. Claims 1, 6, 11, 16, 20, and 23-27 are independent claims.

### ***Drawings***

3. The drawings were objected to by the draftsman, please see attached form PTO-948.
4. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the textual input device and speech recognition system must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

### ***Information Disclosure Statement***

5. The information disclosure statement filed 11/29/1999, fails to comply with 37 CFR 1.98(a)(2), which requires a legible copy of each U.S. and foreign patent; each publication or that portion which caused it to be listed; and all other information or that portion which caused it to be listed. It has been placed in the application file, but the information referred to therein has not been considered.
6. The Letters filed 4/5/2001, and 6/21/2001 fail to comply with 37 CFR 1.98(a)(2), which requires a legible copy of each U.S. and foreign patent; each publication or that portion which

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caused it to be listed; and all other information or that portion which caused it to be listed. They have been placed in the application file, but the information referred to therein has not been considered.

***Specification***

7. The disclosure is objected to because it contains an embedded hyperlink and/or other form of browser-executable code. For example on page 1, line 13, "http://www.w3.org/TR/1998/REC-xml-19980210". Applicant is required to delete all embedded hyperlinks and/or other forms of browser-executable code. See MPEP § 608.01.

***Claim Rejections - 35 USC § 112***

8. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

9. **Claims 2, 4, 5, 7, 9, 10, 12 15, and 19<sup>are</sup>** rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

**Regarding claims 2, 7, and 12**, the scope of these claims encompasses their parent claims which all involve transforming XML content. However, the only mention of document templates in the specification on page 9, line 17-20, indicates that they are used for transforming text into XML. The claims relate to transforming XML to XML, while the specification discloses transforming text in XML, and therefore does not enable the claims.

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**Regarding claims 4, 5, 9, 10, 14, and 15**, it is the position of the Office that the brief mention of text and speech input on page 9, lines 13-18, does not enable one of ordinary skill in the art to add these functions to the present invention.

**Regarding claim 19**, while there is support in the specification for continuing processing with the absence of a sub-tree it is unclear how nodes could continue to be processed without properly receiving the node before it. This would cause large problems in terms of the XML being well-formed and parsable. For examining purposes only the Office will take the claim to mean processing subsequent sub-trees, without the previous sub-tree.

***Claim Rejections - 35 USC § 102***

10. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

11. **Claims 1, 3, and 23 are rejected under 35 U.S.C. 102(a) as being anticipated by “XML Fragment Interchange, W3C Working Draft, 1999 June 30,” herein referred to as W3C.**

**Regarding independent claim 1**, W3C discloses content nodes (p. 19, example 1) that can be used for transmitting (p.4, para. 1). The term “Identifying” is broadly interpreted by the Office as identifying that the content nodes are to be associated with the structure node in some manner. W3C discloses such a structure node as <fcs> (p.12). W3C also discloses indicating where content nodes are positioned within the tree, as the “sourcelocn” attribute (p.12). The method of

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generating such nodes is inherently shown by the original XML document and resulting fragment shown in section C.1, as well as the definition of the “fcs” element on pages 12-13.

**Regarding dependent claim 3**, W3C discloses a list of content nodes (p. 19, 5.4.3).

**Regarding independent claim 23**, the memory and processor for performing the method of claim 1 are rejected under the same rationale.

***Claim Rejections - 35 USC § 103***

12. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

13. **Claims 2, 4, 6-9, 11-14, 16-22, and 24-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over W3C.**

**Regarding independent claim 6**, W3C discloses content nodes (p. 19, example 1) that can be used for transmitting (p.4, para. 1). The term “Identifying” is broadly interpreted by the Office as identifying that the content nodes are to be associated with the structure node in some manner. W3C discloses such a structure node as <fcs> (p.12). W3C also discloses indicating where content nodes are positioned within the tree, as the “sourcelocn” attribute (p.12). The method of generating such nodes is inherently shown by the original XML document and resulting fragment shown in section C.1, as well as the definition of the “fcs” element on pages 12-13. W3C does not explicitly mention decomposing the document into a plurality of trees however it would have been obvious to one of ordinary skill in the art at the time of the invention to

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decompose the document into a plurality of sub-trees, so that multiple parts of the document could be transmitted without sending the entire document.

**Regarding independent claim 11**, W3C discloses transmitting sub-trees (p.4, para. 1). W3C also discloses indicating where sub-trees are positioned within the tree, as the “sourcelocn” attribute (p.12). W3C does not explicitly mention decomposing the document into a plurality of trees. It would have been obvious to one of ordinary skill in the art at the time of the invention to decompose the document into a plurality of sub-trees and send them independently, so that multiple parts of the document could be transmitted without sending the entire document.

**Regarding dependent claims 2, 7, and 12**, W3C is silent as to having templates. W3C does disclose fragmenting the whole document based on semantic separations, such as chapters. Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to include a template for the purpose of specifying how the structure and content nodes should be generated for the purpose of having semantically relevant fragments.

**Regarding dependent claim 13**, W3C discloses a list of content nodes (p. 19, 5.4.3).

**Regarding dependent claim 8**, W3C discloses a structure node with positioning information (p. 11-12).

**Regarding dependent claims 4, 9, and 14**, due to the claim not being fully disclosed the Office interprets the claim to mean typing raw XML directly with a textual input device. This was well-known in the art at the time of the invention and would have been obvious to one of ordinary skill in the art for the purpose of typing up an XML document.

**Regarding independent claim 16**, W3C discloses an XML document including content nodes and structure nodes as recited in claim 1 above. W3C also discloses means for determining

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whether a node is a content or context node (pp. 10-11, section 5.1). W3C discloses recompiling the XML document (p. 5, para. 2) and information that can be used for the recompiling (p. 10-11). W3C is silent as to processing content nodes directly, however, it would have been obvious to one of ordinary skill in the art at the time of the invention to process content nodes directly because they are ordinary element nodes and should be treated as such.

**Regarding dependent claim 19**, it would have been obvious to one of ordinary skill in the art at the time of the invention to continue processing since each sub-tree is a valid XML tree.

**Regarding independent claim 20**, W3C discloses receiving a plurality of sub-trees for reassembly (p.5, para.2). W3C also discloses the sub-trees containing positioning information (p. 10-11). W3C does not explicitly mention positioning the sub-trees, however it would have been obvious to one of ordinary skill in the art at the time of the invention to do so given the information provided.

**Regarding dependent claims 17 and 21**, W3C discloses displaying content (p.5, para. 2).

**Regarding dependent claims 18 and 22**, it was well-known in the art at the time of the invention to store data after receiving it.

**Regarding independent claims 24-27**, the memories and processors for performing the methods of claims 6, 11, 16, and 20, respectively, are rejected under the same rationale.

**14. Claims 5, 10, and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over W3C as applied to claims 1, 6, and 11 above, and further in view of Dietz (USPN 6175820—filed 1/28/1999).**

**Regarding dependent claims 5, 10, and 15**, W3C is silent as to generating XML with a speech recognition system. Dietz teaches generating XML with a speech recognition system (col. 2, line



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65 – col. 3, line 11). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Dietz into W3C for the purpose of transmitting a textual representation of human voice.

### *Conclusion*

15. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- “XML Fragment Interchange, W3C Working Draft 1999 June 30”  
<http://www.w3.org/1999/06/WD-xml-fragment-19990630.html>
- “XML JavaBeans, Part 2” Automatically convert JavaBeans to XML documents,  
[http://www.javaworld.com/javaworld/jw-03-1999/jw-03-beans\\_p.html](http://www.javaworld.com/javaworld/jw-03-1999/jw-03-beans_p.html)

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Adam M Queler whose telephone number is (703) 308-5213.

The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather R Herndon can be reached on (703) 308-5186. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 746-7239 for regular communications and (703) 746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 306-5631.

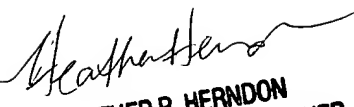
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December 11, 2002

  
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